

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9-30-09</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
ARK SHIPPING CO., LTD.,	:	
	:	2:09 Civ. 0898 (VM)
Plaintiff,	:	
	:	
- against -	:	<u>ORDER</u>
	:	
PETRO MARINE CO., LTD.,	:	
	:	
Defendant.	:	
-----X	:	

VICTOR MARRERO, United States District Judge.

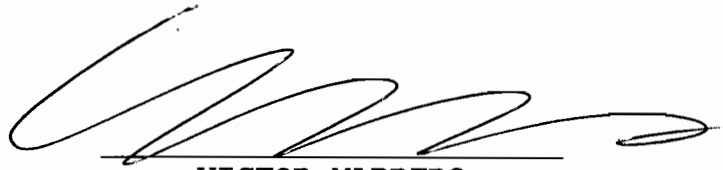
By Order dated February 3, 2009, the Court granted the application of plaintiff Ark Shipping Co., Ltd. authorizing a Writ Marine Attachment and Garnishment (the "Order") to be served on defendant herein for a period of 90 days. The Court directed plaintiff to submit to the Court a status report within 90 days of the Order, and warned that in the event within that time no such report or application for renewal of the Order is submitted, or no property of defendant is found within this District, the Court may dismiss this action. By memo-endorsed Order dated May 4, 2009 the Court extended the Order for an additional 90 days, and by memo-endorsed Order dated July 29, 2009 the Court extended the Order by 60 days and directed plaintiff to submit a further status report within 60 days. By letter to the Court dated September 29, 2009 plaintiff reported that it did not attach any additional funds during the extension period, and that to date it has restrained a

total of \$144,372.28. Accordingly, it is hereby

ORDERED that the Clerk of Court is directed to dismiss the complaint in this action without prejudice and to close this case, provided that the funds restrained to date in a total amount of \$144,372.28 shall remain under attachment, transferred to an escrow account or paid into the Registry of the Court pending the resolution of the underlying arbitration.

SO ORDERED.

Dated: New York, New York
30 September 2009



VICTOR MARRERO
U.S.D.J.